

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**2013 CADILLAC ESCALADE, VIN:  
1GYS4DEF3DR338568,**

**Defendant.**

**Case No.**

**COMPLAINT FOR FORFEITURE IN REM**

Plaintiff, the United States of America, by its attorneys, Timothy A. Garrison, United States Attorney for the Western District of Missouri, and Assistant United States Attorneys Amy B. Blackburn and Stacey Perkins Rock, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881(a)(4).

**THE DEFENDANT IN REM**

2. On February 19, 2018, law enforcement seized the defendant 2013 Cadillac Escalade, VIN: 1GYS4DEF3DR338568, from Nader Robert Osama Yanis on as the result of a car stop at Nifong Boulevard and Club Village Drive in Columbia, Missouri. It is presently in the custody of the United States Marshals Service in Kansas City, Missouri.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881(a)(4).

4. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1355(b)(1)(B), incorporating 21 U.S.C. § 881(j), because a criminal prosecution of the owner of the property has been brought in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 21 U.S.C. § 881(j), because a criminal prosecution of the owner of the property has been brought in this district.

### **BASIS FOR FORFEITURE**

6. The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it is a vehicle which was used or intended to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance.

### **FACTS**

7. On February 16, 2018, YRC Freight (YRC) corporate security personnel contacted Detective Tom Spence, Metropolitan Nashville Police Department (MNPd) and told him that YRC received a suspicious piece of freight (YRC Pro # 7381479244) at YRC's Nashville facility. This freight had a Bill of Lading reflected that the freight contained filters shipped to "James

Wright” in Columbia Missouri. Law enforcement later determined that this address is the residence of Osama Yanis.

8. YRC security personnel told Detective Spence that they had already conducted an administrative opening of the suspicious freight based upon YRC’s security protocol. YRC security personnel told Detective Spence that they had identified the freight as illegitimate, and that it looked like some type of drugs, possibly marijuana. YRC security personnel asked Detective Spence to come to YRC, look at the freight, and, if it was in fact narcotics, take possession of this freight.

9. Based on this information, Detective Spence went to the YRC, 7300 Centennial Boulevard, Nashville, Tennessee, and viewed the contents of this freight. Detective Spence determined that the freight contained a large amount of marijuana, not filters as claimed in the bill of lading.

10. Detective Spence took possession of this freight and found that it contained approximately 50 pounds of marijuana. Detective Spence turned this marijuana into the MNPD property room.

11. YRC security personnel also told Detective Spence about a second piece of freight shipped from the same shipping address to “Wright” at the same delivery address in Columbia, Missouri. YRC security personnel said that this second piece of freight was due to arrive at YRC’s Nashville facility on February 17, 2018.

12. On February 17, 2018, Detective Simonik went to YRC’s Nashville facility and met with Detective Spence and YRC security personnel. YRC corporate security personnel showed Detective Spence and Detective Simonik this suspicious crate with YRC Pro # 665-392686-3.

13. Detective Simonik reviewed a Bill of Lading bearing YRC Pro # 665-392686-3, which stated that the freight contained filters and a designation of shipping to a “James Wright,” Columbia Missouri.

14. Detective Simonik saw that YRC Pro # 665-392686-3 was a wooden crate and had a piece of a gray mylar bag hanging out of one of the corners. This mylar material looked similar to the material of the bags that contained the marijuana that Detective Spence recovered on February 16, 2018, from the freight bearing YRC Pro # 7381479244.

15. Detective Simonik then retrieved his United States Police Canine Association (USPCA) certified K-9 partner “Boston” and conducted a free air sniff of several pieces of freight that were coming through YRC’s Nashville facility. K-9 Boston indicated to a positive presence of narcotics odor coming from the wooden crate bearing YRC Pro # 665-392686-3.

16. Detective Simonik obtained and executed a search warrant on the wooden crate bearing YRC Pro # 665-392686-3 and found that it contained approximately 72 pounds of high-grade marijuana.

17. Also on February 17, 2018, Sergeant Jeff Rukstad and Detective Sedgwick, Columbia, Missouri Police Department (CPD) drove to Nashville, Tennessee, and met with Detective Spence. Sergeant Rukstad and Detective Sedgwick took custody of the crate containing the 72 pounds of marijuana and transported it back to the CPD evidence room, to secure the marijuana until law enforcement could make a controlled delivery.

18. On February 18, 2018, CPD Detectives obtained an anticipatory search warrant to search the residence of the address listed on the Bill of

Lading for the delivery of the YRC Freight bearing YRC Pro # 665-392686-3 and related evidence.

19. On February 19, 2018, law enforcement set up surveillance at the residence of Osama Yanis in Columbia, Missouri. Law enforcement saw Osama Yanis converse with the delivery personnel and accept delivery of the crate containing 72 pounds of marijuana. Law enforcement witnessed the delivery of the crate and its placement inside the garage of the residence in Columbia Missouri.

20. A short time later, Nader Yanis arrived at and entered the residence. Approximately 10-15 minutes after arriving, Nader exited the residence carrying a bag and left the area in his black Cadillac Escalade.

21. A marked police unit stopped Nader Yanis at the intersection of Nifong Boulevard and Club Village Drive in Columbia, Missouri. Police officers seized approximately one pound of marijuana found inside the defendant 2013 Cadillac Escalade. Nader Yanis was the lone occupant of the vehicle and Osama Yanis is the registered owner.

22. Law enforcement took Nader Yanis into custody and the defendant 2013 Cadillac Escalade was seized.

23. During the execution of the search warrant at the residence, officers detained Osama Yanis without incident. Osama provided the officers with the combination to his stand up safe located in his office just off the front door of the residence.

24. Law enforcement transported Osama to the Columbia Police Department where Osama turned over approximately \$20,042.06 in United States currency that he had on his person.

25. Law enforcement initiated a physical search of the residence and found weapons, drugs and a large sum of cash throughout the residence. In addition to the 72 pounds of marijuana delivered in the crate, approximately 33 additional pounds of marijuana was found in the residence as follows:

- a. Approximately 17 pounds of marijuana was uncovered in the closet of a second floor bedroom being used by Nader; and,
- b. Approximately 16 pounds of marijuana was found in the lower level of the residence hidden in an HVAC closet.

26. In the office of the residence, law enforcement officers located a revolver, an envelope with ammunition, a magazine pouch with magazines and a shotgun shell. In the safe in the office of the residence, law enforcement officers located three rifles, two shotguns, and one handgun. One magazine with ammunition and one box of ammunition were also located.

27. In the safe in the office of the residence, law enforcement officers also located \$72,000 in United States currency.

28. While in the CPD holding facility, Osama asked if he could speak about his arrest with investigators.

29. Law enforcement escorted Osama to the Criminal Investigation Division (CID) and placed him in an interview room equipped with audio/video recording equipment.

30. Law enforcement read Osama his *Miranda* rights. Osama stated that he understood his rights and wished to speak with the investigators.

31. Osama confessed that he knew the crate delivered to his residence contained marijuana; however, he was unsure of the exact amount. Osama acknowledged that he was a drug user, and that he had used marijuana for the last 15 years of his life.

32. Osama was reluctant to discuss where his son Nader obtains the drugs that Nader sells in and around Columbia, Missouri. Osama acknowledged that he has distributed marijuana, and that he has regularly maintained a large amount of cash on his person.

33. Osama also admitted that the weapons found in his residence belonged to him. These weapons included the revolver pistol located on his desk adjacent to the large gun safe. Osama explained that his gun safe contained his .223 Rifle(s), Shotgun(s), Semi-Automatic Pistols, a glass jar containing marijuana, and two large stacks of cash. Osama stated that he has the weapons for his protection after the recent drug related homicide of Augustus Roberts.

34. In connection with this investigation of this conspiracy to distribute marijuana, law enforcement seized approximately 155 pounds of marijuana, the metric equivalent of approximately 70 kilograms, including 50 pounds seized in Nashville, Tennessee, and 105 pounds seized from Osama's residence in Columbia, Missouri.

35. Also on February 19, 2018, law enforcement executed a state search warrant at the residence of Nader Yanis in Columbia, Missouri. Officers seized approximately one pound of marijuana and approximately \$3,400 in United States currency.

36. Nader's girlfriend was at the residence and cooperated with law enforcement. The girlfriend provided to law enforcement the following information:

- a. Nader has always smoked marijuana;
- b. In the past six-months to a year, Nader had begun to "really" sell marijuana;
- c. Nader ran a marijuana "grow" in his garage for personal use;
- d. Nader stored the drugs and money in a stand-up gun safe in the residence;
- e. Osama Yanis dropped off 2 to 3 pounds of marijuana for Nader on at least two separate occasions in the last couple of months.

37. On March 1, 2018, the United States indicted Osama Nadir Yanis and Nader Robert Osama Yanis for conspiracy to distribute 50 kilograms or more of a mixture or substance containing a detectable amount of marijuana, possession with intent to distribute marijuana, and possession of a firearm in furtherance of a drug trafficking crime. *See United States v. Osama Nadir Yanis, et al*, Case No. 18-04017-CR-C-BCW (W.D.Mo.).

#### **CLAIM FOR RELIEF**

38. Plaintiff repeats and incorporates by reference the paragraphs above.

39. By the foregoing and other acts, the defendant 2013 Cadillac Escalade, VIN: 1GYS4DEF3DR338568, was used, or intended to be used to transport or to facilitate the transportation of methamphetamine and therefore, is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(4).



WHEREFORE the United States prays that the defendant property be forfeited to the United States, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as the Court deems proper and just.

Respectfully submitted,

Timothy A. Garrison  
United States Attorney

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## VERIFICATION

I, Special Agent Steve Mattas, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Drug Enforcement Administration, that I have read the foregoing Verified Complaint in Rem and know the contents thereof, and that the factual matters contained in paragraphs seven through twenty-eight of the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the United States Drug Enforcement Administration.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated 09-23-2018

/s/ Steve Mattas  
Steve Mattas  
Special Agent  
Drug Enforcement  
Administration

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

**CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

**The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.**

**Plaintiff(s):**

**First Listed Plaintiff:**

United States of America ;

**County of Residence:** Outside This District

**Defendant(s):**

**First Listed Defendant:**

2013 Cadillac Escalade, VIN ;

**County of Residence:** Boone  
County

**County Where Claim For Relief Arose:** Boone County

**Plaintiff's Attorney(s):**

Assistant United States Attorney Stacey Perkins Rock ( United States of  
America)

United States Attorney's Office

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**Defendant's Attorney(s):**

**Basis of Jurisdiction:** 1. U.S. Government Plaintiff

**Citizenship of Principal Parties (Diversity Cases Only)**

**Plaintiff:** N/A

**Defendant:** N/A

**Origin:** 1. Original Proceeding

**Nature of Suit:** 625 Drug-Related Seizure of Property (21 U.S.C. 881)

**Cause of Action:** The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it is a vehicle which was used or intended to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance.

**Requested in Complaint**

**Class Action:** Not filed as a Class Action

**Monetary Demand (in Thousands):**

**Jury Demand:** No

**Related Cases:** Is NOT a refiling of a previously dismissed action

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**Signature:** Amy B. Blackburn

**Date:** 9/24/18

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.